UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,503	07/01/2003	Joann J. Ordille	502082-A-01-US (Ordille)	4423

		EXAMINER
7590 10/02/2006		PHAN, JOSEPH T

Ryan, Mason & Lewis, LLP
Suite 205
1300 Post Road
Fairfield, CT 06824

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 July 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

07/17/06 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-26 rejected under 35 U.S.C. 102(b) as being anticipated by

Stevens, Patent #6,404,880.

Regarding claim 1, Stevens teaches a method for providing a notification of an

event, said method comprising the steps of:

receiving a communication(col.2 lines 34-43 and col.3 lines 12-36);

determining an originating endpoint address on a network associated with said

communication*(110 or 110A Fig.1 is originating endpoint address and col.4 lines 20-48);*

identifying one or more designated persons associated with said originating endpoint

address associated with said communication, wherein at least one of said designated

persons is not a sender of said communication*(fig.2; designated recipient is <u>associated</u>*

with originating endpoint address; furthermore, the weather service sends the

communication, not the subscriber),

generating a notification message, and sending said notification message to said one or

more designated persons(col.3 lines 12-36).

Regarding claim 2, Stevens teaches the method of claim 1, wherein said

notification message is provided to said one or more designated persons in accordance

with preference information specified by each of said one or more designated

persons(Fig.2).

Regarding claim 3, Stevens teaches the method of claim 1, wherein content for

said notification message is obtained substantially close in time to when said notification

message is provided to said one or more designated persons(Fig.2, col.2 lines 34-49,

and col.3 lines 12-36).

Regarding claim 4, Stevens teaches the method of claim 2, wherein said

preference information includes at least one

media preference(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 5, Stevens teaches the method of claim 2, wherein said

preference information. includes at least one human language type preference(Fig.2,

col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 6, Stevens teaches the method of claim 1 wherein said endpoint

is identified based on a telephone number of a calling party associated with said

communication(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 7, Stevens teaches the method of claim 1, wherein said

endpoint is identified based on an address

associated with said communication(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 8, Stevens teaches the method of claim 1, wherein said

identifying, generating and sending steps are performed in response to said received

communication being placed to a specified telephone number(Fig.2, col.2 lines 34-49,

and col.3 lines 12-36).

Regarding claim 9, Stevens teaches the method of claim,1 , wherein said event

is an emergency that has been reported to a receiver(Fig.2, col.2 lines 34-49, and col.3

lines 12-36).

Regarding claim 10, Stevens teaches the method of claim 1, wherein said event

is a telephone call that has been placed to a help desk(Fig.2, col.2 lines 34-49, and

col.3 lines 12-36).

Regarding claim 11, Stevens teaches the method of claim 1, further comprising

the step of receiving at least one

response to said notification message(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 12, Stevens teaches the method of claim 1, further comprising

the step of receiving at least one status update from at least one of said one or more

designated third persons(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 13, Stevens teaches the method of claim 1, further comprising

the step of dispatching an appropriate response to said communication(Fig.2, col.2 lines

34-49, and col.3 lines 12-36).

Regarding claim 14, Stevens teaches the method of claim 13, further comprising the step of receiving at least one status update from a person associated with said appropriate response(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 15, Stevens teaches the method of claim 1, further comprising the step of notifying at least one of said one or more designated third persons of a status update(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 16, Stevens teaches the method of claim 1, wherein said notification message is provided to said one or more designated third persons in accordance with a communication flow that describes whether each of said one or more designated third persons is notified based on a response from at least one other of said one or more designated persons(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 17, Stevens teaches an apparatus for providing a notification of an event, comprising:

a memory and at least one processor, coupled to the memory(Fig.1), operative to:

receive a communication(col.2 lines 34-49);

determining an originating endpoint address on a network associated with said communication*(110 or 110A Fig.1 is originating endpoint address and col.4 lines 20-48)*;

identifying one or more designated persons associated with said originating endpoint address associated with said communication wherein at least one of said designated persons is not a sender of said communication*(fig.2; designated recipient is associated with originating endpoint address; furthermore, the weather system sends the communication, not the subscriber)*,

generate a notification message, and send said notification message to said one or more designated persons(col.3 lines 12-36).

Regarding claim 18, Stevens teaches the apparatus of claim 17, wherein said notification message is provided to said one or more designated persons in accordance with preference information specified by each of said one or more designated persons(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 19, Stevens teaches the apparatus of claim 17, wherein said endpoint is identified based on a telephone number of a calling party associated with said communication(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 20, Stevens teaches the apparatus of claim 17, wherein said endpoint is identified based on an address associated with said communication(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 21, Stevens teaches the apparatus of claim 17 wherein said event is an emergency that has been reported to a receiver(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 22, Stevens teaches the apparatus of claim 1.7, wherein said event is a telephone call that has been

placed to a help desk(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 23, Stevens teaches the apparatus of claim 1.7, wherein said processor is further configured to receive at least one response to said notification message(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 24, Stevens teaches the apparatus of claim 17, wherein said

processor is further configured to receive at least one status update(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 25, Stevens teaches the apparatus of claim 17 wherein said processor is further configured to

dispatch an appropriate response to said communication(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Regarding claim 26, Stevens teaches an article of manufacture for providing a notification of an event(Fig.1), said article of manufacture comprising a machine readable medium containing one or more programs which when executed implement the steps of: receiving a communication and determining an originating endpoint address on a network associated with said communication*(110 or 110A Fig.1 is originating endpoint address and col.4 lines 20-48)*;

identifying one or more designated persons associated with said originating endpoint address associated with said communication wherein at least one of said designated persons is not a sender of said communication*(fig.2; designated recipient is associated with originating endpoint address; furthermore, the weather service sends the communication, not the subscriber)*,

generating a notification message and sending said notification message to each of said one or more designated persons(Fig.2, col.2 lines 34-49, and col.3 lines 12-36).

Response to Arguments

3.   Applicant's arguments filed 07/13/06 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *the weather service designates one or more persons to receive the information*, are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claims merely recites "identifying one or more designated persons associated with said originating endpoint address with said communication..." The claims do not recite how the identifying is performed and therefore Stevens reads on the claims as his weather system identifies the subscriber as someone that receives the communication through input.

In regards to applicant's argument of Steven's not teaching "the one or more designated persons associated with the originating endpoint address with said communication", it is noted that the term 'associated' is broad enough that anyone who receives the communication is associated with the originating endpoint address.

Furthermore, the added amended limitation does not further narrow the scope of the claim because the subscriber in Stevens is not the sender of said communication as he is remote from the sending system. To clarify, if the subscriber was the sender of the communication, there would be no need for the subscriber to receive warnings, alerts, etc., however receiving warnings and alerts is the basis of Stevens invention.
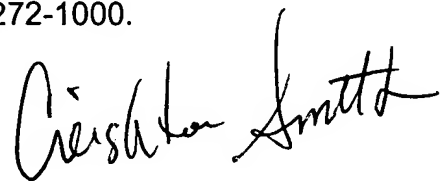
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTP
September 27, 2006

CREIGHTON SMITH
PRIMARY EXAMINER